

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KIM, Seok Koo)
Serial No. 10/551,946) Group Art Unit: 1795
Filed: October 5, 2005) Examiner: Martin,
Angela J.
For: CONSTITUTION OF THE DISPERSANT IN THE) Confirmation No.: 3418
PREPARATION OF THE ELECTRODE ACTIVE)
MATERIAL SLURRY AND THE USE OF THE)
DISPERSANT)

VIA EFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR SUPERVISORY REVIEW UNDER 37 C.F.R. § 1.181

Via EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request supervisory review of the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 22, 2010. The Notice states that the review request was improper for the reason that a Notice of Appeal was not filed concurrently with the Pre-Appeal Brief Request.

Applicants respectfully request review based on the evidence of their clear intent to submit a Notice of Appeal together with the Request. Specifically, the Request filed on March 17, 2010 includes the statement that in response to the Final Office Action dated September 18, 2009, the Request was being submitted "in conjunction with the Notice of Appeal filed concurrently herewith. (Request, p. 1.)

A separate paper containing the Notice of Appeal was not filed due to an inadvertent

clerical error. Applicants therefore respectfully request that the statement of concurrent filing of the Notice of Appeal be considered an effective Notice of Appeal. Applicants note that in accordance with MPEP 1204(II), a separate Notice of Appeal is recommended, but not required.

In addition, the Applicants authorized charging any fees that were due to the Applicants' deposit account. Specifically the Request included a statement on page 5 which authorized "any other necessary fee(s), which may be required for entry and consideration of the present Reply" and a statement that any charges due be charged to Deposit Account 06-1130. The Applicants respectfully note that 37 C.F.R. § 1.25 provides that Appeal fees may be charged against deposit accounts and that a general authorization to charge all fees may be filed. (37 C.F.R. § 1.25)

Because the Applicants made a statement of Notice of Appeal, and because the Applicants provided an authorization to charge any necessary fees, the Applicants respectfully request that the Supervisory Patent Examiner find that the Applicants' request for Pre-Appeal Conference Review was proper and that the request be forwarded the to the Conference Review Panel for consideration.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) or any other necessary fees(s), which may be required for entry and consideration of the present Request. If there are any additional charges due with respect to this Request or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,
CANTOR COLBURN LLP
Applicants' Attorneys

Date: March 26, 2010

Address: 20 Church Street
22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115

By /Grant M. Ehrlich/
Grant M. Ehrlich, Ph.D.
Registration No. 56,185
Dana A. Gronbeck, Ph.D.
Registration No. 55,226
Customer No.: 23413